

An Ordinance prohibiting the selling, giving away or otherwise disposing of intoxicating, malt, vinous, mixed or fermented liquors within the City of Las Animas and within one mile beyond the outer boundaries thereof, by any and all persons except druggists holding a permit from the City Council to sell the same for medical purposes only upon physicians prescriptions: Restricting and regulating such sales; Declaring the drinking of any such liquors in any public place to be a nuisance; Providing penalties for the violation thereof and repealing certain ordinances.

Be it Ordained by the City Council of the City of Las Animas, Colorado:

Section 1. Whoever by himself or another, either as principal, Clerk, Agent or Servant, shall sell, give away, or dispose of, or shall offer for sale, or shall solicit any person to purchase, or shall receive an order for the purchase of, or shall receive an order for the sale of, deliver for the purpose of avoiding the provisions of this ordinance any intoxicating, spiritous, malt, vinous, fermented or mixed liquors within the City of Las Animas, Colorado, or within one mile from the outer boundaries thereof, shall be deemed guilty of an offense, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars, or shall be imprisoned in the City Jail of the City of Las Animas not less than thirty days nor more than ninety days, or both such fine and imprisonment, for each offense; provided that any bona fide druggist holding a permit from the City of Las Animas may sell any of said liquors in the manner provided in this ordinance, but not in any other manner.

Section 2. The City Council of the City of Las Animas may, on application in writing stating the street and number or the place where the business hereinafter mentioned in this section is to be carried on, grant or may refuse to grant, at their own discretion, a permit to any bona fide druggist to sell liquors for medicinal purposes only, in quantities less than one quart only; which permit shall designate the street and number at which such sales are to be made, upon payment into the city treasury of a license fee at the rate of one dollar per annum for each and every permit; provided that such druggist shall have been engaged in the business as and in the capacity of a druggist in said city not less than six months prior to the date of such application for such permit; any druggist who shall receive such permit may sell such liquors at the place of business designated in such permit, but not elsewhere, for medical purposes only, on a written prescription from any regular practicing physician, provided such physician has no interest in the profits of, and is not the owner of any interest in said drug store, where the prescription is presented; said prescription shall only be good for the quantity of liquor specified therein and for one purchase only, shall be dated and shall plainly state the name of the person to whom it was given. Said permit shall not be issued for a period longer than the balance of the municipal year during which it was granted, not until the license fee due therefore and herein provided has been paid into the City Treasury of said City. The City Marshall and City Health Officer shall have the right and authority and it shall be their duty to inspect, during business hours only, all the premises specified in said permit, together with said stock of liquors in and upon said

# 220  
pg 2

premises and the physicians prescriptions there on file, calling for any of the liquors there sold or to be sold, whenever he shall receive a warrant so to do, describing the place to be inspected, duly issued by the police magistrate of said City; Said warrant shall be issued by said magistrate of said city upon the oath and affirmation set forth in writing, and filed in his office, of any qualified resident of said City of Las Animas, and any refusal to allow such inspection, or the presence of any liquor or liquors in any place or places other than the place set apart and kept for the same, as provided in this ordinance, shall be deemed a violation of this ordinance, which shall be punished with a fine of not less than twenty-five dollars and not more than one hundred dollars or imprisonment not less than ten days and not more than thirty days in the City Jail of the City of Las Animas. Every holder of a permit granted under the provisions of this ordinance, shall keep all spiritous, vinous, malt, fermented or mixed liquors closely placed together in said drug store used solely for that purpose and no liquors of any description shall be exposed or kept in any show window or behind any screen in said drug store. The said permit shall not permit the sale of any such liquors to the class of persons named in section 5 of this ordinance, and the City Council of the City of Las Animas may revoke such permit whenever they shall be satisfied that the holder of such permit has violated any of the provisions of this ordinance or shall have been convicted of any violation thereof, or whenever in the judgment of the majority of the City Council, the welfare of the public shall require the revocation of said permit.

Section 3. Every druggist taking out a permit under section 2 of this ordinance shall first execute a bond in the penal sum of two thousand dollars, which bond shall run to the people of the State of Colorado for the use of the City of Las Animas, shall be signed by the applicant and at least two good and sufficient sureties, who reside in Bent County, Colorado, and who shall each be the owner of at least two thousand dollars worth of property over and above all their indebtedness, that shall be subject to the levy of an execution; said bond shall be conditioned that the applicant will not violate the statutes of the State of Colorado, nor the ordinances of the City of Las Animas, regarding the sale of intoxicating liquors, such bond shall be approved by the City Council of the City of Las Animas and such approval thereof noted in the minutes of the proceedings of said Council before said permit may be issued.

Section 4. No permit issued under the provisions of this ordinance shall be transferable by any person to whom the same has been issued and granted unless permission therefor has been given by the City Council and upon the filing of a new bond by the person to whom the said permit has been transferred and said bond has been approved as provided in section 3 of this ordinance.

Section 5. Whomsoever, by himself, or another, either as principal, clerk, agent or servant, shall give away or sell any intoxicating liquors, whiskey, wine, lager beer, of any compound or mixed liquors which are intoxicating within the corporate limits of the City of Las Animas, or within one mile from the outer boundary thereof, to any minor, apprentice, insane person, idiot or distracted person, habitual drunkard or to a person who is intoxicated with or without a prescription, or shall suffer any such liquors sold or disposed of by him to be drunk on the premises where sold whether with or without a permit shall be guilty of an offense, and upon conviction thereof shall pay a fine of not

#220  
pg 3  
less than one hundred dollars, not more than three hundred dollars or be imprisoned not less than ten days nor not more than ninety days in the City Jail of the of Las Animas for each offense.

Section 6. Whoever by himself or another, as principal, clerk, agent or servant, shall sell, give away or dispose of, any intoxicating liquors, without the said person shall first present to the druggist a physicians prescription for the same as provided in this ordinance, shall be guilty of an offense, and shall if found guilty pay a fine of not less than one hundred dollars and not more than three hundred dollars, or be imprisoned in the City Jail of Las Animas for not more than thirty days for each and every such offense.

Section 7. Any person who shall upon any public or open stairway or hall, or in any street, alley, park or grounds, or in any other public place within the City of Las Animas, or within one mile from the outer boundary thereof shall drink any spiritous, vinous, malt or mixed liquors, shall be deemed guilty of a nuisance and upon conviction thereof shall pay a fine of not less than five dollars nor more than twenty-five dollars or be imprisoned in the City Jail of the City of Las Animas not more than ten days for each offense.

Section 8. If any physician or other person representing himself to be a physician shall make or sign any prescription for intoxicating liquors, whiskey, beer, wine, or any intoxicating preparation or patent medicine or mixed liquors with the name of the person to receive the said liquor left blank and to be filled in by another, or shall sign a prescription for any liquor after said liquor has been sold, or knowingly give a prescription for any intoxicating liquor for the purpose of enabling any person to avoid any of the provisions of this ordinance, such physician or person representing himself to be such, shall be fined not less than one hundred dollars and not more than three hundred dollars or be imprisoned in the City Jail of the City of Las Animas not more than ninety days for each offense upon which he shall be found guilty and any druggist, who shall by himself, cler, agent or servant knowingly receive and fill any prescription for the purpose of aiding any person to avoid the provisions of this ordinance shall be punished by a fine of not less than one hundred dollars and not more than three hundred dollars for each offense, for which he shall be found guilty, or be imprisoned in the City Jail of the City of Las Animas not more than ninety days.

Section 9. Every druggist filling a prescription for any kind of intoxicating liquors from any physician, for any person, shall place a label on the bottle and every bottle, which shall contain the number of the prescription, the name of the physician who gave the prescription and the name of the person to whom the said liquor was sold, together with a description of the kind of liquor sold, and any druggist who fails to comply with this section of this ordinance, or fails or refuses to so label the bottle or bottles in compliance with this ordinance shall have committed an offense and upon conviction shall pay a fine of not less than fifty dollars and not more than one hundred dollars or be imprisoned in the city jail of the city of Las Animas for not more than thirty days for each offense.

Section 10. Every druggist holding a permit shall on or before the third day of

#220  
Pg 4

each and every month file with the City Clerk true copies of all prescriptions upon which any liquors have been sold in his store during the preceding calendar month, together with the written statement that the same clearly states the amounts and kind of liquors sold, and to whom sold, by virtue of the druggist's permit during the month, which said copies of prescriptions, shall be preserved for a period of 12 months after filing, and every person, association or corporation holding a permit as aforesaid, shall preserve said prescription for a period of twelve months from and after, the date of filing the same, and shall at all times during business hours have all such prescriptions open and accessible to the City Health Officer and the City Marshall, and it shall be the duty of the said City Health Officer and the City Marshall to examine every such prescription issued and used as aforesaid and all other information in relation thereto as the City Council may require; any druggist holding a permit and failing to conform to the provisions of this section shall be deemed guilty of an offense, and upon conviction hereof, shall be fined in a sum not less than twenty-five dollars and not more than one hundred dollars for each and every offense and the permit granted to said druggist shall be canceled.

Section 11. Any person violating any provision of this ordinance, for the violation of which a penalty is not a fine, or penalty is not herein provided, shall be fined in any sum not exceeding the sum of one hundred dollars and not less than five dollars for each and every offense or imprisoned in the City Jail of the City of Las Animas for not more than thirty days and not less than ten days.

Section 12. Any person fined under the provisions of this ordinance, who shall not pay such fine and costs shall be dealt with and committed to the City Jail of the City of Las Animas until such fine and costs are paid, provided that no imprisonment shall exceed ninety days for any one offense, and that all imprisonment shall be at hard labor.

Section 13. That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and adopted at a regular meeting of the City Council of the City of Las Animas Colorado, held on the 18th day of July A.D. 1911.

Ayes:- Aldermen Burke, Thomas, Troup, Beach and Carlson,

Nays:- Aldermen, Marshall.

State of Colorado )  
County of Bent )

Attest:-

Mayor Pro Tem

Frances M. Cahill City Clerk.

I, Frances M. Cahill, City Clerk of the City of Las Animas, Colorado do hereby certify that the above and foregoing ordinance was introduced and read at a preceding regular meeting of the City Council of the City of Las Animas, and published in full in the Bent County Democrat, a public newspaper of general circulation published in the City of Las Animas, for ten days before its passage.

In witness whereof I have hereunto set my hand and affixed the seal of said City of Las Animas, Bent County, Colorado, this 19th day of July A.D. 1911.

Frances M. Cahill  
City Clerk